IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION NO : 3251 of 2003

Between:

1. Master Sudhamsh S/o. Late Sri N. Mahesh Kumar,

Aged about 15 years.

2. Master Sujeeth Kumar S/o. Late Sri N. Mahesh Kumar,

Aged about 9 years.

Both petitioners are minors and represented by their Legal Guardian, Sri Mamidala Ravinder S/o. Ramaiah

..... PETITIONERS

AND

1. State of Andhra Pradesh, General Administration (SCC) Department, through Chief Secretary to Government.
2. State of Andhra Pradesh represented by its Principal Secretary to Government, Revenue (Assn. III) Department, at Secretariat, Hyderabad.
3. The Director general & Inspector General of Police, Andhra Pradesh, Hyderabad.
4. The Collector, Hyderabad District, at Hyderabad.
5. The Mandal Revenue Officer, Shaikpet Mandal,

Hyderabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or Writs, Order or Direction, declaring and setting aside the proceedings dated 08.01.2003 in Memo No. 35092/Assn.III(1)/2001-2 on the file of the Second Respondent, as illegal, arbitrary, without jurisdiction and discriminatory by directing the Respondent Nos 2 & 4 to forthwith allot 500 sq.yards of land in TS. No.2, Block A, WardNo.9 correlating to old Sy. No. 403 of Shaikpet Village and Mandal, Hyderabad District, in favour of the petitioners; award costs.

Counsel for the Petitioners: MR.K.RAGHUVEER REDDY

Counsel for the Respondent Nos.1 to 5: GP FOR ASSIGNMENT

The Court made the following :

ORDER:

Petitioners are the children of N. Mahesh Kumar, a Deputy Superintendent of Police, who died in a landmine blast by the extremists on 18.11.1996 while on duty. They filed an application for assignment of 500 square yards of site in terms of G.O.Ms.No.30 dated 01.02.1996 and G.O.Ms.No.155 dated 11.04.1997. On 14.08.2001, 5th respondent identified an extent of 500 square yards in T.S.No.2, Block A, Ward No.9 corresponding to old Survey No.403 of Shaikpet Village and Mandal, Hyderabad and submitted a proposal to the 4th respondent along with the sketch plan. 4th respondent recommended the case of the petitioners for assignment. But 2nd respondent by the proceedings dated 08.01.2003 in memo No. 35092/Assn. III (1)/2001-2 rejected the petitioners' application for assignment of land. Hence the petition.

2. The contention of the learned Counsel for the petitioners is that when the petitioners have all the qualifications for allotment of land as per the G.O.Ms.No.30 dated 01.02.1996 and when all the concerned have recommended the case of the petitioners for allotment, the order of rejection passed without assigning any reasons what so ever is liable to be set aside.

3. The contention of the learned Government Pleader is that since the respondents felt that the petitioners are not entitled to allotment of the land, the request of the petitioners is rejected.

4. The file relating to the case was sent for, and I have gone through the said file. Since the file does not disclose any reasons for rejection of the proposal, though the petitioners have entitlement for allotment of the site as per the above said G.Os. while setting aside the impugned memo, the respondents are directed to reconsider the case of the petitioners in the light of the above said G.Os and pass appropriate orders as expeditiously as possible, at any rate, within a period of six weeks from the date of receipt of a copy of this Order.

5. With the above said direction, the writ petition is disposed of. No costs.

17th February, 2005

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Copy to:

1. The Chief Secretary to Government,
   State of Andhra Pradesh, General Administrtion
   (SCC) Department, Secretariat, Hyderabad.
2. The Principal Secretary to Government,
   State of Andhra Pradesh, Revenue (Assn.III),
   Department, Secretariat, Hyderabad.
3. The Director General & Inspector General of Police,
   Andhra Pradesh, Hyderabad.
4. The District Collector, Hyderabad District. Hyderabad.
5. The Mandal Revenue Officer, Shaikpet Mandal,
   Hyderabad District.
6. Two C.Cs to the Government Pleader for Assisgnment,
   High Court Buildings, High Court of Andhra Pradesh,
   Hyderabad. (O.U.T.)
7. Two C.D. Copies.